



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/936,338	09/24/1997	RICHARD JOSEPH OLIVER	080398.P103	9642

7590 12/14/2004

BLAKELY SOKOLOFF TAYLOR AND ZAFMAN
12400 WILSHIRE BOULEVARD SEVENTH FLOOR
LOS ANGELES, CA 900251026

EXAMINER

PENDLETON, BRIAN T

ART UNIT	PAPER NUMBER
----------	--------------

2644

DATE MAILED: 12/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

08/936,338

Applicant(s)

OLIVER ET AL.

Examiner

Brian T. Pendleton

Art Unit

2644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 November 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,6,7,10-12,15,16 and 18 is/are rejected.
- 7) ☒ Claim(s) 4,5,8,13,14 and 17 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 9/24/97 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1,3,6,7,10-12,15,16 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Iizuka, US Patent 5,642,492 (Iizuka '492) in view of Iizuka, US Patent 5,343,451 (Iizuka '451). Iizuka '492 discloses a digital recorder employing punch-in and punch-out processes comprising receiving a media input stream from units 8-1, 8-2, 8-3, 8-4, saving data to a buffer 9-1, 9-2, 9-3, 9-4 selecting portions of the buffer for storage in a media file on a mass storage device 12 responsive to a punch-in signal and punch-out signal wherein the media file contains a record interval between the punch in and punch out point. Iizuka '492 does not disclose first and second record handles before the punch-in point and after the punch-out point respectively. Iizuka '451 discloses a digital recorder which uses a storage buffer for transferring portions of event data near the leading and ending portion of the data as shown in figure 10(d). Thus, Iizuka '451 taught a first and second record handle. It would have been obvious to one of ordinary skill in the art at the time of invention to combine the teachings of the two Iizuka references in order to improve the efficiency of the editing process by having data portions which can be adjusted at the beginning and end of an event. Claims 1, 9 and 18 are met. Per claim 3, the input stream is an audio stream and the time interval is a recording interval. As to claim 6, the buffer in Iizuka '492 has different sectors allocated to different input channels (see

Art Unit: 2644

figure 1). Regarding claim 7, inherently the audio stream has blocks which are tagged for storage in the hard disk 12. It would have been obvious to one of ordinary skill in the art at the time of invention that the modified Iizuka '492 would include tagging blocks prior to and following the punch-in and punch-out signals as they correspond to "dummy" data which is also written to the storage device. Per claim 10, Iizuka '492 teaches a host processor in the form of DMA controller 10 and HD controller 11. As to claim 11, column 5 lines 58-65 of Iizuka '451 disclose that the buffers are FIFO buffers. Per claim 12, the combination discloses that a data block earlier in time than the punch-in signal is tagged for storage. As to claim 15, the buffers are RAM. Regarding claim 16, it would have been obvious to one of ordinary skill in the art at the time of invention to allocate sixteen channels in the RAM as it was known to use that amount.

Allowable Subject Matter

Claims 4, 5, 8, 13, 14, and 17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian T. Pendleton whose telephone number is (703) 305-9509. The examiner can normally be reached on M-F 7-4:30.

Art Unit: 2644

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Forester W. Isen can be reached on (703) 305-4386. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Brian T. Pendleton
Examiner
Art Unit 2644

BRIAN PENDLETON
PATENT EXAMINER

B.T.P.